

Case 07cv5541 (GBD) (MHD)

Request to Extend Date to Respond to Defendants' Interrogatories and Production of Document

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Steve Yu,
Plaintiff

- against -

New York City Housing Development Corporation (HDC), PELLEGRINO MARICONDA, Sued herein in his Official and Personal Capacity.

Defendant(s).

VIA THE PRO SE CLERK OF THIS COURT:

Honorable Magistrate Judge Michael H. Dolinger
United States District Court
Southern District of New York

Dear Honorable Magistrate Judge Dolinger:

I, Pro Se Plaintiff, am requesting to extend date to respond to Defendants' Interrogatories and Production of Documents.

Pursuant to the order as of March, 6, 2008, Plaintiff already provided Defendants with the names of up to 10 people he wishes to depose on Friday, March 7, 2008, a day after the conference call.

From the conference call held on Thursday, March 6, 2008 to Thursday, March 13, 2008, there are only seven (7) days, including two weekend days.

It is the first time for Plaintiff, as a Pro Se and a layman for judicial system in the United States, to response to Defendants' Interrogatories and Production of Documents with total over 140 questions. Plaintiff indeed needs extra days, including two more weekends, based upon best estimated time at current situation. It would be March 26, 2008 for Plaintiff to respond to them. It is the same date Defendants must respond to Plaintiff's Request for Production of Document

- 1 -

Case 07cv5541 (GBD) (MHD)

Page 2 of 2

Request to Extend Date to Respond to Defendants' Interrogatories and Production of Document

pursuant to the order as of March 7, 2008. Defendants were ready, on February 15, 2008, to respond to Plaintiff's Request for Production of Document which Plaintiff sent them in December 2007. (see attached Defendants letter addressed to Plaintiff as of February 12, 2008).

There is no final version of "Confidentiality Stipulation & Order" yet as of today yet. Plaintiff sent his revised version of "Confidentiality Stipulation & Order" to Defendants on February 18, 2008. Plaintiff submitted the same revised version of "Confidentiality Stipulation & Order" to the Court during the conference call on March 6, 2008. Defendants mailed their version of "Confidentiality Stipulation & Order" to the Court on March 7, 2008.

Sincerely,

Dated: March 12, 2008

By: 

Steve Yu
Plaintiff, Pro Se
1025 Esplanade Ave. Apt. 4G
Bronx, NY 10461

Enclosed:

Mr. Silverberg's letter to Plaintiff as of February 12, 2008.

To: Mr. Dean Silverberg
Epstein Becker & Green, P.C.
250 Park Avenue
New York, New York 10177

To: Ms. Anna A. Cohen
Epstein Becker & Green, P.C.
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New York, New York 10177

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February 12, 2008

Mr. Steve Yu
1025 Esplanade Ave., Apt 4G
Bronx, NY 10461

Re: Steve Yu v. New York City Housing Development Corporation
and Pellegrino Mariconda
Civ. Action No.: 07 Civ. 5541(GBD)(MHD)

Dear Mr. Yu:

We write as a follow up to a number of phone calls and written correspondence to you in January, 2008. We have been trying to arrange for a convenient time for, among other things, our meet and confer discussions relating to several open discovery issues and to set a mutual schedule for depositions. We have not heard from you since your email of January 13, 2008. However, your last contact with us through email did not address the discovery issues, nor did you suggest any alternate times when we might speak.

It is therefore critical that you provide us with dates and times this week so that we can speak no later than Friday, February 15, 2008. We are available during and/or after regular business hours to speak by telephone and/or meet with you, if that is more convenient. At that time we can discuss a number of outstanding issues, including the scheduling of depositions of plaintiff (originally scheduled by us for earlier this month), depositions of several

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Mr. Steve Yu
February 12, 2008
Page 2

of the defendants' witnesses for whom we have provided multiple dates of availability which have now passed) and other discovery issues, including the execution of the Confidentiality Stipulation and Order.

Let me raise some time sensitive matters:

1. Based on your email of January 13, 2008, it appeared that you would not be able to respond to our written discovery demands when your responses were due. In light of this, we suggested that both parties exchange discovery by February 15, 2008, but we did not hear from you. We need to discuss a mutual exchange date.

2. While we have a copy of the original Confidentiality Order signed by you, we do not have your original signature. As you recall, on January 11, 2008, we requested that you provide us with your original signature on the Confidentiality Stipulation you signed in October and sent to us via e-mail. Although we advised you that Magistrate Judge Dolinger's Law Clerk indicated to us that we will need original signatures (not scan or fax) on the Stipulation, you have refused to provide us with the signed Stipulation. Rather, you responded that you wanted us to prepare a new Confidentiality Stipulation and you agreed with our suggestion that we schedule a conference call to discuss that and other issues. As noted above we have repeatedly attempted to contact you, by telephone and e-mail, but you have not responded to us for many weeks. Please be advised further, that many of the documents responsive to your discovery requests are confidential and cannot be provided in the absence of the Confidentiality Order signed by the parties and "so-ordered" by Magistrate Judge Dolinger.

Mr. Steve Yu
February 12, 2008
Page 3

Attached is a revised Confidentiality Stipulation and Order for your review. This Stipulation contains the same terms as the one you signed in October, but we have changed the dates and the name of the judge from Judge Daniels to Judge Dolinger. If you agree with the terms, please sign the Stipulation and send back to us via regular mail. If you object to any of the terms, please contact us immediately so that we may revise the Stipulation and move forward with the discovery process.

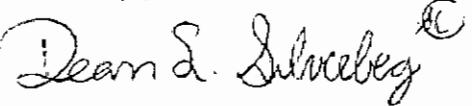
3. I have wanted to discuss another matter with you, but you have not been available to speak with us on any of the many dates we had provided you. In this regard, I wanted to discuss the issue of amending our Answer by adding affirmative defenses while we are still in the early discovery stages. Specifically under Rule 15 of the Federal Rules of Civil Procedure, either party may amend its pleadings (such as the Complaint or Answer) with either written consent of the other party or by approval of the Court. Other than our respective initial disclosures, since we have not yet exchanged discovery documents, nor taken any depositions, we submit that it would be appropriate for us to amend our Answer by adding affirmative defenses. We are prepared to discuss this matter and request that you give us your availability as soon as possible.

In closing, let me say it very important to speak very soon. It would appear that your schedule has prevented you from attending to these matters. However, we are under a Court deadline to complete discovery by March 31, 2008. If we do not hear from you, we will be contacting the Court to schedule a telephone conference to deal with them. We will also ask the Court to extend the discovery deadline beyond March 31, 2008 and assume you would want to join in that request.

Mr. Steve Yu
February 12, 2008
Page 4

We look forwarding to hearing from you soon.

Sincerely yours,


Dean L. Silverberg

DLS:pb

Enclosures